| 1        | Berna L. Rhodes-Ford, Esq.  |   |  |  |
|----------|---|---|--|--|
| 2        | Nevada Bar No. 7879 Melissa I. Bright, Esq. Nevada Bar No. 12336  |   |  |  |
| 3        | Nevada Bar No. 12336 RHODES-FORD & ASSOCIATES, P.C. 701 N. Graen Volley Bodyyay, Suita 200                      |   |  |  |
| 4        | 701 N. Green Valley Parkway, Suite 200<br>Henderson, Nevada 89074<br>Telephone (702) 684-6262                   |   |  |  |
| 5        | Facsimile (702) 534-4000 Email: berna@rhodesford.com  |   |  |  |
| 6        | Email: mbright@rhodesford.com   |   |  |  |
| 7        | Attorneys for Plaintiffs  |   |  |  |
| 8        | Gene Collins, Six Star Cleaning & Carpet Serv<br>Woods, Floppy Mop, Inc., Blue Chip Enterprise                  |   |  |  |
| 9        |   | S DISTRICT COURT                                    |  |  |
| 10       |   | OF NEVADA   |  |  |
| 11       |   |   |  |  |
| 12<br>13 | GENE COLLINS, an individual doing<br>business as SOUTHERN NEVADA<br>FLAGGERS & BARRICADES; SIX STAR             | CASE NO. 2:11-cv-00524-LDG-CWH                      |  |  |
| 14       | CLEANING & CARPET SERVICE, INC., a<br>Nevada corporation; YOLANDA WOODS,  | PLAINTIFFS' MOTION TO CONTINUE                      |  |  |
| 15       | an individual doing business as STEP BY STEP CLEANING SERVICE INC.,   | HEARING   |  |  |
| 16       | FLOPPY MOP, INC., a Nevada corporation, BLUE CHIP ENTERPRISES, INC. a Nevada corporation, DOES I through X; and |   |  |  |
| 17       | ROE ENTITIES I through X,   |   |  |  |
| 18       | Plaintiffs,   |   |  |  |
| 19       | VS.   |   |  |  |
| 20       | LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL NO. 872;  |   |  |  |
| 21       | LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL NO. 702;  |   |  |  |
| 22       | TOMMY WHITE, an individual; DOES I through X; and ROE ENTITIES I through  |   |  |  |
| 23       | X,  |   |  |  |
| 24       | Defendants.   |   |  |  |
| 25       |   |   |  |  |
| 26       |   | aning & Carpet Service, Inc., Yolanda Woods,        |  |  |
| 27       | Floppy Mop, Inc., Blue Chip Enterprises, Inc.   | ("Plaintiffs"), respectfully move this Court for an |  |  |

Order continuing the hearing set for August 14, 2012 at 9:30 a.m.

Rhodes-Ford & Associates, P.C. 701 N. GREEN VALLEY PARKWAY, SUITE 200 HENDERSON, NEVADA 89074 (702) 684-6262

| 1  | This Motion is made and based upon the pleadings and papers on file with the Court, and any  |
|----|--|
| 2  | other evidence the Court may consider.   |
| 3  | Dated August 7, 2012.  |
| 4  | RHODES-FORD & ASSOCIATES, P.C.   |
| 5  |  |
| 6  | By: /s/ Berna L. Rhodes-Ford   |
| 7  | Berna L. Rhodes-Ford, Esq.<br>Nevada Bar No. 7879  |
| 8  | Melissa I. Bright, Esq.<br>Nevada Bar No. 12336  |
| 9  | 701 N. Green Valley Parkway, Suite 200<br>Henderson, NV 89074  |
| 10 | Attorneys for Plaintiff  |
| 11 | , and the second |
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Case 2:11-cv-00524-LDG-CWH Document 99 Filed 08/08/12 Page 2 of 14

### I. FACTUAL BACKGROUND

This case is currently set for a Hearing for Plaintiffs Motion to Laborers Joint Trust Funds' Compliance with Subpoena Duces Tecum (#67), Cross-Motion to Quash Subpoena (#69), Plaintiffs' Motion to Compel Discovery Responses (#71), First Plaintiffs' Motion for Sanctions in Response to Defendants' Spoliation of Evidence (#78), and Plaintiffs' Motion to Strike Evidence Used in Support of Defendants' Motion for Summary Judgment that Should Have Been Disclosed During Discovery (#85).

Counsel has not been able to get into contact with Kristina Hillman, counsel for Defendants, but has talked to Roberta Perkins at the direction of Ms. Hillman's office. *See* Declaration of Berna L. Rhodes-Ford at ¶7, attached hereto as "Exhibit A" & Declaration of Melissa I. Bright at ¶6, attached hereto as "Exhibit B." Ms. Perkins stated that only Ms. Hillman or David Rosenfeld could approve a continuance. Exhibit A at ¶8. However, she could provide available dates for Ms. Hillman in the event the hearing was continued. *Id.* at ¶9. Counsel has been in contact with Bryce Loveland who is Counsel for Southern Nevada Laborers Local 872 Training Trust. Exhibit B at ¶7. Mr. Loveland agreed to stipulate to continue and provided dates that he is available. *Id.* at ¶8. According to the dates that were provided to Plaintiffs' Counsel, all parties will be available for a hearing if it is scheduled for August 29, August 30, or September 5. Accordingly, Plaintiffs respectfully request that the Court continue the hearing currently scheduled for August 14, 2012 to a date to include any of the aforementioned.

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### Case 2:11-cv-00524-LDG-CWH Document 99 Filed 08/08/12 Page 4 of 14

# Rhodes-Ford & Associates, P.C.

| II. | <b>CONCLUSION</b> |
|-----|-------------------|
|     |                   |

Based upon the foregoing, the Plaintiffs respectfully request this Honorable Court to continue the Hearing to a date convenient to the Court.

Dated: August 7, 2012

RHODES-FORD & ASSOCIATES, P.C.

By: /s/ Berna L. Rhodes-Ford Berna L. Rhodes-Ford, Esq.

Nevada Bar No. 7879 Melissa I. Bright, Esq. Nevada Bar No. 12336 701 N. Green Valley Parkway, Suite 200 Henderson, NV 89074

Attorneys for Plaintiffs

# EXHIBIT A

| 1 2    | Berna L. Rhodes-Ford, Esq.<br>Nevada Bar No. 7879<br>Melissa I. Bright, Esq.                     |  |  |  |  |
|--------|--|--|--|--|--|
|        | Nevada Bar No. 12336   |  |  |  |  |
| 3      | RHODES-FORD & ASSOCIATES, P.C. 701 N. Green Valley Parkway, Suite 200                            |  |  |  |  |
| 4      | Henderson, Nevada 89074<br>Telephone (702) 684-6262  |  |  |  |  |
| 5<br>6 | Facsimile (702) 534-4000 Email: <u>berna@rhodesford.com</u> Email: <u>mbright@rhodesford.com</u> |  |  |  |  |
| 7      | Attorneys for Plaintiffs   |  |  |  |  |
| 8      | Gene Čollins, Six Star Cleaning & Carpet Serv<br>Woods, Floppy Mop, Inc., Blue Chip Enterprise   |  |  |  |  |
| 9      | UNITED STATES  | S DISTRICT COURT                                     |  |  |  |
| 10     | DISTRICT   | OF NEVADA  |  |  |  |
| 11     | GENE COLLINS, an individual doing  | CASE NO. 2:11-cv-00524-LDG-CWH                       |  |  |  |
| 12     | business as SOUTHERN NEVADA FLAGGERS & BARRICADES; SIX STAR                                      |  |  |  |  |
| 13     | CLEANING & CARPET SERVICE, INC., a Nevada corporation; YOLANDA WOODS,                            | DECLARATION OF BERNA L.<br>RHODES-FORD IN SUPPORT OF |  |  |  |
| 14     | an individual doing business as STEP BY STEP CLEANING SERVICE INC.,                              | PLAINTIFFS' MOTION TO CONTINUE HEARING               |  |  |  |
| 15     | FLOPPY MOP, INC., a Nevada corporation, BLUE CHIP ENTERPRISES, INC. a                            |  |  |  |  |
| 16     | Nevada corporation, DOES I through X; and ROE ENTITIES I through X,                              |  |  |  |  |
| 17     | Plaintiffs,  |  |  |  |  |
| 18     | VS.  |  |  |  |  |
| 19     | LABORERS INTERNATIONAL UNION   |  |  |  |  |
| 20     | OF NORTH AMERICA LOCAL NO. 872;<br>LABORERS INTERNATIONAL UNION                                  |  |  |  |  |
| 21     | OF NORTH AMERICA LOCAL NO. 702;<br>TOMMY WHITE, an individual; DOES I                            |  |  |  |  |
| 22     | through X; and ROE ENTITIES I through X,   |  |  |  |  |
| 23     | Defendants.  |  |  |  |  |
| 24     |  |  |  |  |  |
| 25     | Counsel for Plaintiffs, Berna L. Rhodes-Ford, submits this declaration in support or             |  |  |  |  |
| 26     | Plaintiffs' Motion to Continue Hearing.  |  |  |  |  |
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| STATE OF NEVADA | ) aa      |
|-----------------|-----------|
| COUNTY OF CLARK | ) ss<br>) |

### I, BERNA L. RHODES-FORD, declare as follows:

- 1. I am an attorney licensed to practice law in the State of Nevada and am an attorney at the law firm of Rhodes-Ford & Associates, P.C., representing Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., and Blue Chip Enterprises, Inc. in the above-captioned matter.
- 2. I have personal knowledge of the facts stated in this declaration, except as otherwise indicated, and I am competent to so testify. If called upon to testify, I could and would competently testify to the facts set forth herein.
- 3. This declaration is submitted in support of Plaintiffs' Motion to Continue Hearing.
  - 4. There is a hearing scheduled for August 14, 2012 at 9:30 a.m.
- 5. I will be out of the country from August 12, 2012 through August 19, 2012 and, therefore, cannot attend the hearing as currently scheduled.
- 6. Given prior client commitments, I am also not available for August 21 through August 22 and August 28, 2012.
- 7. On August 6, 2012, I spoke to Roberta Perkins, who stated she was returning the call that my office had placed to Kristina Hillman's office.
- 8. Ms. Perkins stated she did not have authority to agree to stipulate to a continuance and that only Ms. Hillman or David Rosenfeld have such authority.

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Rhodes-Ford & Associates, P.C. TOLIN. GREEN VALLEY PARKWAY, SUITE 200 HENDERSON, NEVADA 89074 (702) 688-6882

|  | 9. | Ms. Perkins | provided | dates | that ] | Kristina | Hillman | is | available: |
|--|----|-------------|----------|-------|--------|----------|---------|----|------------|
|--|----|-------------|----------|-------|--------|----------|---------|----|------------|

- August 23 through August 24
- August 29 through August 31
- September 5
- September 11
- September 13 through September 14.
- 10. This request for a continuance is not for the purpose of delay.

DATED August 7, 2012.

### /s/ Berna L. Rhodes-Ford

Berna L. Rhodes-Ford

# **EXHIBIT B**

| 1 2      | Berna L. Rhodes-Ford, Esq.<br>Nevada Bar No. 7879<br>Melissa I. Bright, Esq.  |   |
|----------|---|---|
| 3        | Nevada Bar No. 12336<br>RHODES-FORD & ASSOCIATES, P.C.  |   |
| 4        | 701 N. Green Valley Parkway, Suite 200<br>Henderson, Nevada 89074   |   |
| 5<br>6   | Telephone (702) 684-6262 Facsimile (702) 534-4000 Email: <a href="mailto:berna@rhodesford.com">berna@rhodesford.com</a> Email: <a href="mailto:mbright@rhodesford.com">mbright@rhodesford.com</a> |   |
| 7        | Attorneys for Plaintiffs  |   |
| 8        | Gene Collins, Six Star Cleaning & Carpet Serv<br>Woods, Floppy Mop, Inc., Blue Chip Enterprise  |   |
| 9        | UNITED STATES   | S DISTRICT COURT  |
| 10       | DISTRICT  | OF NEVADA   |
| 11       | GENE COLLINS, an individual doing business as SOUTHERN NEVADA   | CASE NO. 2:11-cv-00524-LDG-CWH                              |
| 12       | FLAGGERS & BARRICADES; SIX STAR<br>CLEANING & CARPET SERVICE, INC., a   | DECLARATION OF MELISSA I.                                   |
| 13       | Nevada corporation; YOLANDA WOODS, an individual doing business as STEP BY  | BRIGHT IN SUPPORT OF PLAINTIFFS' MOTION TO CONTINUE HEARING |
| 14       | STEP CLEANING SERVICE INC.,<br>FLOPPY MOP, INC., a Nevada corporation,  | MOTION TO COMMINDE HEARING                                  |
| 15       | BLUE CHIP ENTERPRISES, INC. a Nevada corporation, DOES I through X; and   |   |
| 16       | ROE ENTITIES I through X,   |   |
| 17       | Plaintiffs,   |   |
| 18       | VS.   |   |
| 19       | LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL NO. 872;  |   |
| 20       | LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL NO. 702;  |   |
| 21       | TOMMY WHITE, an individual; DOES I through X; and ROE ENTITIES I through  |   |
| 22       | X,  |   |
| 23       | Defendants.   |   |
| 24       | Councel for Plaintiffs Melissa I Brigh  | t, submits this declaration in support of Plaintiffs        |
| 25       | Motion to Continue Hearing.   | i, submits this declaration in support of Frantinis         |
| 26       | ///   |   |
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| STATE OF NEVADA | )         |
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| COUNTY OF CLARK | ) ss<br>) |

### I, MELISSA I. BRIGHT, declare as follows:

- 1. I am an attorney licensed to practice law in the State of Nevada and am an attorney at the law firm of Rhodes-Ford & Associates, P.C., representing Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., and Blue Chip Enterprises, Inc. in the above-captioned matter.
- 2. I have personal knowledge of the facts stated in this declaration, except as otherwise indicated, and I am competent to so testify. If called upon to testify, I could and would competently testify to the facts set forth herein.
- 3. This declaration is submitted in support of Plaintiffs' Motion to Continue Hearing.
- 4. There is a hearing scheduled for August 14, 2012 at 9:30 a.m. Ms. Rhodes-Ford is not available on that date.
- 5. On August 3, 2012, I called Kristina Hillman's office regarding continuing the hearing. The assistant advised me that Ms. Hillman is out of the office until August 13, 2012, and that she would e-mail Ms. Hillman with my message.
- 6. On August 3, 2012, Roberta Perkins returned my call to Kristina Hillman's office. Ms. Perkins also stated she would email Ms. Hillman with our request to continue, but she was not sure when or if Ms. Hillman would get back to her. Ms. Perkins also advised that I could contact her in regards to the case until Ms. Hillman's returns on August 13, 2012.
- 7. I contacted Bryce Loveland, counsel for Southern Nevada Laborers Local 872
  Trust Fund.
- 8. Mr. Loveland stated that he would stipulate to a continuance and informed me that he is not available on August 20 through August 24, or August 31.

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| 9.          | Mr. Loveland informed me he is available on August 27 through August 30 and |
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| September 4 | through September 7.  |
| DATE        | D August 7, 2012.   |

| /s/ Melissa I. Bright |  |
|-----------------------|--|
| Melissa I. Bright     |  |

**ORDER** 

Upon due consideration of the Plaintiffs' Motion to Continue Hearing and Good cause

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3 appearing, 4 IT IS HEREBY ORDERED that the new hearing date for Plaintiffs Motion to Laborers 5 Joint Trust Funds' Compliance with Subpoena Duces Tecum (#67), Cross-Motion to Quash 6 Subpoena (#69), Plaintiffs' Motion to Compel Discovery Responses (#71), First Plaintiffs' 7 Motion for Sanctions in Response to Defendants' Spoliation of Evidence (#78), and Plaintiffs' 8 Motion to Strike Evidence Used in Support of Defendants' Motion for Summary Judgment that 9 Should Have Been Disclosed During Discovery (#85) is now the 30th day of 10 August , 2012, at 1:00 p.m. in LV Courtroom 3C. 11 12 UNITED STATES MAGISTRATE JUDGE 13 DATED: August 8, 2012 14 15 Respectfully Submitted, 16 RHODES-FORD & ASSOCIATES, P.C. 17 /s/ Berna L. Rhodes-Ford Berna L. Rhodes-Ford 18 Nevada Bar No. 7879 Melissa I. Bright 19 Nevada Bar No. 12336 RHODES-FORD & ASSOCIATES, P.C. 20 701 N. Green Valley Parkway, Suite 200 Henderson, Nevada 89074 21 Attorney for Plaintiffs 22 23 24 25 26

## **CERTIFICATE OF SERVICE**

| I hereby certify that I am an employee of Rhodes-Ford & Associates, P.C., and that on |
|---|
| this date, I served the foregoing PLAINTIFFS' MOTION TO CONTINUE HEARING by           |
| causing it to be served via the Court's CMECF system, addressed as follows:           |

Kristina L. Hillman Law Offices of Kristina L. Hillman 729 Evans Avenue Reno, NV 89512 Telephone (775) 770-4832 Facsimile (775) 324-5444 KHillman@unioncounsel.net

Bryce Loveland Brownstein Hyatt Farber Schreck 100 North City Parkway, Suite 1600 Las Vegas, NV 89106 bcloveland@bhfs.com

Executed on August 7, 2012.

/s/ Melissa I. Bright

Melissa I. Bright